



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Reena Rao, Treasurer  
Ro for Congress, Inc.  
P.O. Box 1398  
Fremont, CA 94538

AUG 29 2016

RE: MUR 6998

Dear Ms. Rao:

On January 8, 2016, the Federal Election Commission notified Ro for Congress, Inc., and you in your official capacity as treasurer of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On August 24, 2016, the Commission found, on the basis of the information in the complaint and information provided by Rohit Khanna, that there is no reason to believe that the Act was violated. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Christopher L. Edwards, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Daniel A. Petalas  
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name of the Assistant General Counsel.

By: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure:  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Rohit Khanna MUR 6998  
Ro for Congress, Inc.  
Reena Rao, as treasurer

**I. INTRODUCTION**

This matter was generated by a Complaint filed by George Koo ("Complainant") on January 4, 2016, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Respondents Rohit Khanna,<sup>1</sup> Ro for Congress, Inc., and Reena Rao, in her official capacity as treasurer (collectively the "Committee"). It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

The Complaint stems from an email that the Complainant received from Khanna on October 3, 2015.<sup>2</sup> The email criticized Representative Mike Honda, one of Khanna's opponents, and asked Koo to contact Khanna to discuss the congressional race and Khanna's policy ideas.<sup>3</sup> Koo has previously donated to Rep. Honda, but has not previously had contact with the Committee.<sup>4</sup> The Complaint therefore surmises that the Committee obtained Koo's email

<sup>1</sup> Khanna is a candidate for the United States House of Representatives for California's 17<sup>th</sup> Congressional District.

<sup>2</sup> Compl. at 1 (Jan. 4, 2016); *id.*, Attach 1; Resp., Attach 1 (Apr. 8, 2016).

<sup>3</sup> Compl., Attach 1.

<sup>4</sup> Compl. at 1.

1 address from Rep. Honda's disclosure reports that were filed with the Commission, in violation  
2 of 52 U.S.C. § 30111(a)(4).<sup>5</sup>

3 The Committee denies violating the sale and use provisions of the Act and Commission  
4 regulations, and states that Khanna learned Koo's email address by virtue of their personal  
5 relationship.<sup>6</sup> In support, Khanna attaches copies of personal emails to his Response.<sup>7</sup> Most of  
6 these emails were sent to groups of people, including Koo and Khanna.<sup>8</sup> However, on December  
7 5, 2009, the two men directly emailed each other.<sup>9</sup> The Committee also argues that email  
8 addresses are not included with contributor information that is published on the Commission's  
9 website.<sup>10</sup>

10 Political committees are required to file reports with the Commission identifying the  
11 names and mailing addresses of contributors who make contributions exceeding \$200 during the  
12 election cycle.<sup>11</sup> The Act provides that the Commission shall make these reports and statements  
13 available to the public for inspection and copying within 48 hours of receipt.<sup>12</sup> Information from  
14 such reports may not be sold or used by any person for the purpose of soliciting contributions or

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<sup>5</sup> *Id.*

<sup>6</sup> Rrsp. at 1.

<sup>7</sup> Resp., Attach 1.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Resp. at 2.

<sup>11</sup> 52 U.S.C. § 30104(b)(3)(a); 11 C.F.R. § 104.8(a).

<sup>12</sup> 52 U.S.C. § 30111(a)(4).

1 for commercial purposes, other than using the name and address of a political committee to  
2 solicit contributions from that political committee.<sup>13</sup>

3 While the Complaint alleges that the Committee illegally obtained Koo's email address  
4 from Honda's federal campaign filings, the Response shows that Khanna has had Koo's email  
5 address, by virtue of their personal relationship, for many years. Throughout that time, Khanna  
6 and Koo have both emailed each other and received some of the same email messages. This  
7 information refutes the allegation that the Committee obtained that address from the Honda  
8 Committee's disclosure reports. The Commission therefore finds no reason to believe that the  
9 Committee violated 52 U.S.C. § 30111(a)(4).

<sup>13</sup> *Id.*; see also 11 C.F.R. § 104.15(a).